REMARKS

Applicant respectfully requests entry of the above amendment and reconsideration in view of the amendment and the following remarks.

The status of the application is as follows:

Claims 1-22 are pending in the application. Claims 23-25 are added herein.

Claims 1-3 and 6-19 are rejected. Claims 4, 5 and 20-22 are objected. Claims 4, 5 and 20-22 have received cosmetic modifications to address the objection.

Rejections under 35 U.S.C. 112, second paragraph

Claims 8-10 and 11-15 are rejected as being indefinite, related to the use of the term "optionally". Claims 8-11, and 13-14 have been modified to suitably address said indefiniteness rejection.

Rejections under 35 U.S.C. 102(a)

Claims 1-3, 6-12 and 14-19 are rejected under 35 U.S.C. §102(b) as being anticipated by US Patent No. 3,965,686 Saito *et al.* Claims 1, 11, 12, 14, and 15 are rejected under 35 U.S.C. §102(b) as being anticipated by US Patent No. 4,995,759 Plowman *et al.* Applicant respectfully traverses the rejection in that Saito *et al.* and Plowman *et al.* do not teach, or suggest, each and every element of the claimed invention as is required under §102(b).

Rejections under Saito et al.

First, Saito does not teach, or suggest, every aspect of independent claim1, as amended. Specifically, Saito does not teach, or suggest, "planar array of two or more **adjacent and unobstructed**, flexible, quasi-tubular stand-off members," as in claim 1. In Saito, the spiral springs 4 are *never* adjacent *and* in an **unobstructed** relationship with each other as they are in

the instant invention. Saito discloses that there must be the interstitial "non-woven fabric layer 2" located between the spring 4. Even the drain pipes 13 in the embodiment shown in FIG. 5 must be surrounded by the drainage mat 12. Ultimately, Saito does not teach or suggest, nor is it obvious in light of Saito to have, any type of unobstructed adjacency between members, as there is in claim 1.

Regarding independent claim 11, similarly Saito does not teach, or suggest, "said array including at least two of said stand-off members disposed in an **immediate, unobstructed adjacent relationship**," as in independent claim 11. As discussed above regarding claim 1, Saito only discloses springs 3 that are distal to each other. They (spring 3) are never in an immediate unobstructed adjacent relationship as in the present relationship.

Regarding independent claim 16, Saito also does not teach, or suggest, "each of said stand-off members disposed in an **unobstructed proximity** with its adjacent member(s)," as in independent claim 16. As discussed above regarding claims 1 and 11, Saito clearly does not contemplate creating any type of an unobstructed proximity between members.

In Saito, itself, there is explicit teaching and disclosure to *always* have its springs 3 fully and closely surrounded by drainage material and, thus, *never* in unobstructed proximity. To wit: "In any of the first to embodiments, ... the **interval** between every two adjacent flexible members is **more than 5 cm and preferably about 10 cm**." (Emphasis added) (Col. 3, lines 10-14). Further, "each spiral spring 4 is **closely surrounded** by the non-woven fabric of the layer 2 or partially embedded therein." (Emphasis added) (Col. 2, lines 51-53). This is a clear teaching away of any suggestion in Saito of the relationship of stand-off members as claimed in claims 1, 11, and 16.

Rejections under Plowman et al.

First, Plowman does not teach, or suggest, every aspect of independent claim 1, as amended. Specifically, Plowman does not teach, or suggest, "wherein a stand-off member of said array comprises an **in-line series** of **hoop devices**," (emphasis added) as in amended claim 1. There are no suggestion, or teaching, of a "in-line series" in Plowman; nor is there a suggestion, or teaching, of "hoop devices" in Plowman. To the contrary, Plowman only teaches multiple perforated, corrugated tubes 15. "Hoop" is defined in the present invention as "an element having a generally circular (or annular) geometry." (See specification, page 6, line 13). Applicant respectfully contends that the corrugations of the pipe in Plowman merely amount to a single circular element (i.e., the pipe) in that the pipe is a continuous, monolithic structure. There is no suggestion or teaching in Plowman of separating, or discretely breaking or spacing apart, the pipe so that it is a **series** of **hoop devices**, as in the present invention.

Second, Plowman does not teach, or suggest, every aspect of independent claim 11, as amended. Specifically, Plowman does not teach, or suggest, "said stand-off members each comprising a plurality of fixedly, axially aligned , and **axially spaced** circular configurations," (emphasis added) as in amended claim 11. Similar to the discussion above, Plowman only teaches a continuous pipe. There is no suggestion, or teaching, to space apart any circular configurations in any manner in Plowman.

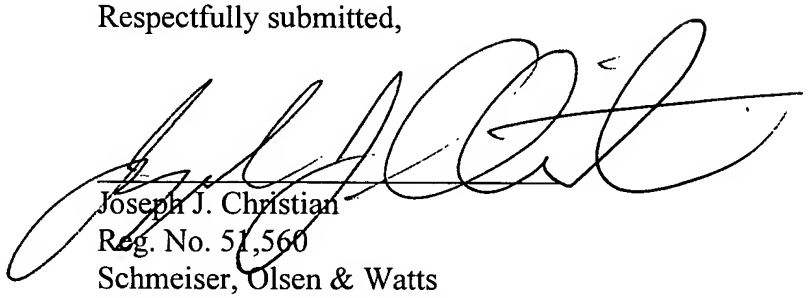
Applicant requests that the rejection of independent claims 1, 11, and 16 be withdrawn and the claims be allowed. Further, dependent claims 2, 3, 6-10, 12, 14, 15, and 17-19, which depend from the independent claims should also be allowed.

CONCLUSION

Accordingly, based on the preceding arguments, Applicant respectfully submits that claims 1-25 and the entire application, are in condition for allowance and therefore request favorable action. However, should the Examiner believe anything further is necessary in order place the application in better condition for allowance, or if the Examiner believes that a telephone interview would be advantageous to resolve the issues presented, the Examiner is invited to contact the Applicant's undersigned representative at the telephone number listed below.

Date: 9/30/2004

Respectfully submitted,



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